

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT BROWN and KELSA BROWN,)

Plaintiffs,)

vs.)

HMO MISSOURI, INC., and)

FREEMAN HEALTH SYSTEM,)

Defendants.)

No. 4:05CV1375-SNL

ORDER

On November 1, 2005, HMO Missouri, Inc. was dismissed without prejudice by plaintiffs. Defendant Freeman Health System has recently been added as a party and is the only remaining defendant in the case. Freeman has filed an answer to the complaint as well as a motion to strike.

In addition, the parties have filed a joint motion to transfer venue.

This is an ERISA action and apparently, defendant Freeman Health System transacts business in Jasper and Newton County, Missouri which is in the Southwestern Division of the Western District of Missouri. The parties aver that defendant's contacts are principally in those two counties and that it would be more convenient to all of the parties to have the venue transferred to the Western District of Missouri, Southwestern Division.

A court may transfer an action "for the convenience of parties and witnesses in the interest of justice, . . . to any other district or division where it might have been brought." 28 U.S.C. § 1404(a). It appears that the parties and witnesses to this case are located principally in the Southwestern Division of the Western District of Missouri, and that venue is more proper there than in the Eastern District of Missouri.

IT IS THEREFORE ORDERED that the motion of the parties is **GRANTED** and this case is **TRANSFERRED** to the Western District of Missouri, Southwestern Division.

Dated this 10th day of November, 2005.

A handwritten signature in black ink, reading "Stephen T. Limbaugh". The signature is written in a cursive, flowing style. The first name "Stephen" is followed by a middle initial "T." and the last name "Limbaugh". The signature is positioned above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE